KILPATRICK STOCKTON LLP
Attorneys at Law

Suite 2800 1100 Peachtree St.
Atlanta GA 30309-4530
t 404 815 6500 f 404 815 6555
www.KilpatrickStockton.com

direct dial 404 745 2433
direct fax 404 541 4608
BfEdwards@KilpatrickStockton.com

RECEIVED
APR 22 2005
Concert-512xx

April 22, 2005

FAX

RECIPIENT/ PHONE NO.	FAX NO.	COMPANY/ CITY, STATE, COUNTRY
Carol Wallace 603-623-5111	603-624-1432	

Barbara F. Edwards
FROM

28
PAGES (WITH COVER)

5651
REFERENCE NO

99997/095962
CLIENT/MATTER NO.

PLEASE CALL 404 815 6497 IF YOU HAVE DIFFICULTY WITH THIS TRANSMISSION.

CONFIDENTIALITY NOTE:
The information contained in this fax message is being transmitted to and is intended for the use of the individual named above. If the reader of this message is not the intended recipient, you are hereby advised that any dissemination, distribution or copy of this fax is strictly prohibited. If you have received this fax in error, please immediately notify us by telephone and destroy this fax message.

COMMENTS

Barbara
Received with thanks !!
28 pages -
Bourque & Associates, PA
Carol W

TO BE COMPLETED BY KS OPERATIONS CENTER

TRANSMISSION RECEIPT DATE/TIME: _____

COMPLETED BY: _____ JOB CODE 18228

UNITED STATES PATENT AND TRADEMARK OFFICE

<PUT YOUR OFFICE HERE>

To: Ms. Babara Ewards

Fax: 404 541 4608

Tel: 404 745 2433

From: Examiner Kleu Vu

Art Unit: 2173

Tel: 571 272 4057

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,717	06/20/2001	Aleksander Szlam	INVE16US	3293

23370 7590 03/29/2004

JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309

EXAMINER	
VU, KIEU D	

ART UNIT	PAPER NUMBER
2173	12

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/885,717	SZLAM ET AL.	
	Examiner	Art Unit	
	Kieu D Vu	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 June 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-15,17,19-24,26,28-32,34 and 36-39* is/are rejected.

7)☒ Claim(s) *16,18,25,27,33 and 35* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 June 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-39 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2, 6-7, and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "the saved customer profile" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "said messages" in line 7 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "said messages" in line 7 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 25 recites the limitation "the multiple incidences" in lines 6-7 of the claim. There is insufficient antecedent basis for this limitation in the claim

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3-4, 9-10, 12-14, 19, 23, and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Jawahar et al ("Jawahar", USP 6256620).

Regarding claim 1, Jawahar teaches a method for providing assistance to a customer at a web site, comprising the steps of receiving a request for a web page from a customer (customer retrieves a web page; column 11, lines 15-20), sending said web page without a HELP option to said customer (web page is displayed without help button); automatically determining if said customer should be provided assistance (column 14, lines 59-64); and if said customer should be provided assistance then sending a HELP option to said customer (column 14, lines 47-50).

Regarding claim 3, Jawahar further teaches the measuring the time that said customer spends on said web page; and if said time exceeds a predetermined time then determining that said customer should be provided assistance (after the user has been viewing web page for a predetermined period of time, the system will display a help button; column 15, lines 50-65).

Regarding claim 4, Jawahar further teaches the measuring the time that said customer spends on an area or field within said web page (time customer spends on a particular product or service); and if said time exceeds a predetermined time then determining that said customer should be provided assistance (lines 66 of column 15 to lines 10 of column 16).

Regarding claim 9, Jawahar further teaches the counting the number of times that a customer returns to said web page (repeated switching between web pages); and

if said number exceeds a predetermined number then determining that said customer should be provided assistance (column 16, lines 11-15).

Regarding claim 10, Jawahar further teaches determining if customer is at a service point (particular service); and if said customer is at a service point, then determining that said customer should be provided assistance (lines 66 of column 15 to lines 10 of column 16).

Regarding claim 12, Jawahar further teaches the inserting a HELP option in the web page being viewed by the customer (column 14, lines 49-50).

Regarding claim 13, Jawahar teaches the invention substantially as claimed as specified in claim 1 above. Jawahar further teaches the determining whether a customer service representative (agent) is available (column 7, lines 20-24). Since Jawahar's system initiates to offer help to the user (column 3, lines 7-12) by displaying help button and when the user click on help button, the user will be helped by a customer service representative (agent; column 14, lines 50-54), it is inherent that the help button will not be displayed when no agent is available since it is against the purpose of Jawahar's invention when a help button is displayed, but no agent is available to help the customer when the customer clicks on said help button.

Regarding claim 14, Jawahar teaches the invention substantially as claimed as specified in claim 1 above. Jawahar further teaches the determining whether a customer service representative (agent) is available (column 7, lines 20-24) and when the agent is available (predetermined schedule; column 12, lines 40-46). Since Jawahar's system initiates to offer help to the user (column 3, lines 7-12) by displaying help button and

when the user click on help button, the user will be helped by a customer service representative (agent; column 14, lines 50-54), it is inherent that the help button will not be displayed when no agent is available since it is against the purpose of Jawahar's invention when a help button is displayed, but no agent is available to help the customer when the customer clicks on said help button.

Regarding claims 19 and 28, Jawahar further teaches that said HELP option is a HELP button (column 14, lines 47-50).

Regarding claim 23, Jawahar teaches a method for providing assistance to a customer at a web site, teaches receiving a request for a web page from a customer (customer retrieves a web page; column 11, lines 15-20). Jawahar further teaches the determining whether a customer service representative (agent) is available (column 7, lines 20-24). Since Jawahar's system initiates to offer help to the user (column 3, lines 7-12) by displaying help button and when the user click on help button, the user will be helped by a customer service representative (agent; column 14, lines 50-54), it is inherent that Jawahar teaches that if the customer service representative is available then sending said web page to said customer with help option on said web page (column 14, lines 47-56).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 2 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jawahar in view of Horvitz et al ("Horvitz", USP 6262730).

Regarding claim 2, Jawahar teaches the invention substantially as claimed as specified in claim 1 above. Jawahar does not teach reviewing the saved customer profile; and if the profile indicates assistance should be provided then determining that said customer should be provided assistance. However, such feature is known in the art as taught by Horvitz. In the same field of providing assistance to a user in a graphical user interface environment, Horvitz teaches an intelligent user assistance facility which comprises the analyzing saved user profile in the system to sense when the user may need assistance to provide assistance to the user (column 3, lines 51-56; column 4, lines 9-13). It would have been obvious to one of ordinary skill in the art, having the teaching of Jawahar and Horvitz before him at the time the invention was made, to modify the method for providing assistance taught by Jawahar to include the providing assistance based on user profile taught by Horvitz with the motivation being to provide the user relevant assistance based on user's background (Horvitz; line 64 of column 2 to line 2 of column 3).

Regarding claim 17, Jawahar teaches the invention substantially as claimed as specified in claim 1 above. Jawahar further teaches the monitoring to see if the user responds the help button (column 15, lines 3-15; Fig. 7B). Jawahar does not explicitly teaches the measuring the time since the help button was sent to the user to see if the user responses to the help button within a predetermined time, but it is inherent in the teaching, since in steps 232, 236, 238, 240 (Fig. 7B), there should be a time set to verify whether the user selects the help button or not to transmit collected data to server and

select an agent to provide help (step 238 in Fig. 7B). Jawahar does not teach that if the user does not response to the help button, then remove the help button. However, such feature is known in the art as taught by Horvitz. In the same field of providing assistance to a user in a graphical user interface environment, Horvitz teaches an intelligent user assistance facility which comprises the displaying autonomous assistance window 207 that will be time out and removed if the user does not interact with (Fig. 22; column 24, lines 21-23). It would have been obvious to one of ordinary skill in the art, having the teaching of Jawahar and Horvitz before him at the time the invention was made, to modify the method for providing assistance taught by Jawahar to include the removing assistance window if the user does not interact with said window taught by Horvitz so that the user will not be distracted (Horvitz; column 24, lines 21-23).

8. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jawahar in view of Feit (USP 6178439).

Regarding claim 5, Jawahar teaches the invention substantially as claimed as specified in claim 1 above. Jawahar further teaches the measuring the time that said customer spends on said web page; and if said time exceeds a predetermined time then determining that said customer should be provided assistance (after the user has been viewing web page for a predetermined period of time, the system will display a help button; column 15, lines 50-65). Jawahar does not teach the sending a heartbeat to a customer with said web page, said heartbeat periodically sending a message to said web site. However, this feature is known in the art as taught by Feit. In the same field of monitoring user interaction in a web page, Feit teaches the providing session control over the Internet (column 1, lines 4-7), Feit teaching comprises the attaching to each

page delivered to a client information identifying a "heartbeat" program which causes the page to return a beat to the server at defined intervals while the delivered page is being viewed (line 66 of column 3 to line 3 of column 4). It would have been obvious to one of ordinary skill in the art, having the teaching of Jawahar and Feit before him at the time the invention was made, to modify the teaching for monitoring user interaction in a web page taught by Jawahar to include the attaching a heartbeat program to each page delivered to a client taught by Feit with the motivation being to provide good information to the servers to identify when and how long a page is accessed for purposes of avoiding overlap and generating statistical information (Feit; column 3, lines 20-32; column 4, lines 17-22)

Regarding claim 6, Jawahar teaches the invention substantially as claimed as specified in claim 1 above. Jawahar further teaches the measuring the time that said customer spends on said web page; and if said time exceeds a predetermined time then determining that said customer should be provided assistance (after the user has been viewing web page for a predetermined period of time, the system will display a help button; column 15, lines 50-65). Jawahar does not teach the sending a heartbeat to a customer with said web page, said heartbeat periodically sending a message to said web site, said step of measuring the time comprises counting the number of said messages. However, this feature is known in the art as taught by Feit. In the same field of monitoring user interaction in a web page, Feit teaches the providing session control over the Internet (column 1, lines 4-7), Feit teaching comprises the attaching to each page delivered to a client information identifying a "heartbeat" program which causes the page to return a beat to the server at defined intervals while the delivered page is

being viewed and count the number of beats sent back (line 66 of column 3 to line 3 of column 7). It would have been obvious to one of ordinary skill in the art, having the teaching of Jawahar and Feit before him at the time the invention was made, to modify the teaching for monitoring user interaction in a web page taught by Jawahar to include the attaching a heartbeat program to each page delivered to a client taught by Feit with the motivation being to provide good information to the servers to identify when and how long a page is accessed for purposes of avoiding overlap and generating statistical information (Feit; column 3, lines 20-32; column 4, lines 17-22).

Regarding claim 7, Jawahar teaches the invention substantially as claimed as specified in claim 1 above. Jawahar further teaches the measuring the time that said customer spends on said web page; and if said time exceeds a predetermined time then determining that said customer should be provided assistance (after the user has been viewing web page for a predetermined period of time, the system will display a help button; column 15, lines 50-65). Jawahar does not teach the sending a heartbeat to a customer with said web page, said heartbeat periodically sending a message to said web site, the counting the number of said messages, the comparing said number of messages with a predetermined number of messages. However, this feature is known in the art as taught by Feit. In the same field of monitoring user interaction in a web page, Feit teaches the providing session control over the Internet (column 1, lines 4-7), Feit teaching comprises the attaching to each page delivered to a client information identifying a "heartbeat" program which causes the page to return a beat to the server at defined intervals while the delivered page is being viewed, count the number of beats

sent back, compare this number with the defined number (beats a defined intervals) (line 66 of column 3 to line 3 of column 7). It would have been obvious to one of ordinary skill in the art, having the teaching of Jawahar and Feit before him at the time the invention was made, to modify the teaching for monitoring user interaction in a web page taught by Jawahar to include the attaching a heartbeat program to each page delivered to a client taught by Feit with the motivation being to provide good information to the servers to identify when and how long a page is accessed for purposes of avoiding overlap and generating statistical information (Feit; column 3, lines 20-32; column 4, lines 17-22).

9. Claim 8, 20, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jawahar in view of Gardner et al ("Gardner", USP 5239617).

Regarding claim 8, Jawahar teaches the invention substantially as claimed as specified in claim 1 above. Jawahar does not teach reviewing electronic forms with entries from the customer; and if there are errors of significance in the electronic forms then determining that said customer should be provided assistance. However, such feature is known in the art as taught by Gardner. In the same field of providing assistance to a user in a graphical user interface environment, Gardner teaches an on-line interactive, intelligent help system (column 1, lines 7-12); the system comprises the providing suggestions and explanations in response to the user's entry of erroneous command (column 3, lines 29-35). It would have been obvious to one of ordinary skill in the art, having the teaching of Jawahar and Gardner before him at the time the invention was made, to modify the method for providing assistance taught by Jawahar

to include providing suggestions and explanations in response to the user's entry of erroneous command taught by Gardner with the motivation being to take the context of the user's interaction and goal into account when presenting help information (Gardner; line 67 of column 2 to line 2 of column 3).

Regarding claims 20 and 29, Jawahar teaches the invention substantially as claimed as specified in claim 1 above. Jawahar does not teach that the help option is a help screen. However, such feature is known in the art as taught by Gardner. In the same field of providing assistance to a user in a graphical user interface environment, Gardner teaches an on-line interactive, intelligent help system (column 1, lines 7-12); the system comprises the displaying help screen to provide the user with suggestion screens (Fig. 5). It would have been obvious to one of ordinary skill in the art, having the teaching of Jawahar and Gardner before him at the time the invention was made, to modify the method for providing assistance taught by Jawahar to include the displaying help screen taught by Gardner with the motivation being to automatically provide the user with suggestions so that the user will receive help quickly without having to click on the help button (Gardner; column 11, lines 37-41).

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jawahar in view of Strahorn et al ("Strahorn", USP 5933140).

Regarding claim 11, Jawahar teaches the invention substantially as claimed as specified in claim 1 above. Jawahar does not teach the sending a new web page to said customer, said new web page comprising said help option. However, such feature is known in the art as taught by Strahorn. Strahorn discloses a typical on-line help system

in which the system sending help option to web user by loading a new help page (column 1, lines 35-39). It would have been obvious to one of ordinary skill in the art, having the teaching of Jawahar and Gardner before him at the time the invention was made, to modify the method for providing assistance taught by Jawahar to include the sending help option to web user by loading a new help page taught in Gardner's reference with the motivation being to automatically provide the user with suggestions so that the user will receive help quickly without having to click on the help button.

11. Claim 21-22 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jawahar in view of Ludtke (USP 6584496).

Regarding claims 21 and 30, Jawahar teaches the invention substantially as claimed as specified in claim 1 above. Jawahar does not teach the help option is an audio message. However, such feature is known in the art as taught by Ludtke. Ludtke teaches an on-line help system for consumer electronic devices (column 1, lines 7-10), the system comprises the coordinating the presentation of help information in an audio message (column 1, lines 55-61). It would have been obvious to one of ordinary skill in the art, having the teaching of Jawahar and Ludtke before him at the time the invention was made, to modify the system for providing assistance taught by Jawahar to include the presenting help option in an audio message taught in Ludtke with the motivation being to make the system more user-friendly (Ludtke; column 1, lines 46-48).

Regarding claims 22 and 31, Jawahar teaches the invention substantially as claimed as specified in claim 1 above. Jawahar does not teach the help option is a video message. However, such feature is known in the art as taught by Ludtke. Ludtke

teaches an on-line help system for consumer electronic devices (column 1, lines 7-10), the system comprises the coordinating the presentation of help information in a video message (column 1, lines 55-61). It would have been obvious to one of ordinary skill in the art, having the teaching of Jawahar and Ludtke before him at the time the invention was made, to modify the system for providing assistance taught by Jawahar to include the presenting help option in a video message taught in Ludtke with the motivation being to make the system more user-friendly (Ludtke; column 1, lines 46-48).

12. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jawahar in view of Guedalia et al ("Guedalia", USP6356283).

Regarding claim 26, Jawahar teaches the invention substantially as claimed as specified in claim 23 above. Jawahar further teaches the monitoring to see if the user responds the help button (column 15, lines 3-15; Fig. 7B). Jawahar does not explicitly teaches the measuring the time since the help button was sent to the user to see if the user responses to the help button within a predetermined time, but it is inherent in the teaching, since in steps 232, 236, 238, 240 (Fig. 7B), there should be a time set to verify whether the user selects the help button or not to transmit collected data to server and select an agent to provide help (step 238 in Fig. 7B). Jawahar does not teach the sending another web page without help option. However, such feature is known in the art as taught by Guedalia. Guedalia teaches an Internet browsing system which comprises the sending new HTML page by the server computer to the client computer (column 8-12). It would have been obvious to one of ordinary skill in the art, having the teaching of Jawahar and Guedalia before him at the time the invention was made, to modify the method for providing assistance taught by Jawahar to include the sending

new page to the user taught by Guedalia so that the user will not be distracted by the help option of the current page.

13. Claim 15, 24, 32, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jawahar in view of Srinivasan (USP 5185782).

Regarding claim 15, Jawahar teaches the invention substantially as claimed as specified in claim 1 above. Jawahar further teaches the determining whether a customer service representative (agent) is available (column 7, lines 20-24). Since Jawahar's system initiates to offer help to the user (column 3, lines 7-12) by displaying help button and when the user click on help button, the user will be helped by a customer service representative (agent; column 14, lines 50-54), it is inherent that the help button will not be displayed when no agent is available since it is against the purpose of Jawahar's invention when a help button is displayed, but no agent is available to help the customer when the customer clicks on said help button. Jawahar does not teach the estimating time before an agent is available and if said estimated time exceeds a predetermined time then delaying said step of sending said HELP option to said customer until said estimated time does not exceed said predetermined time. However, such feature is known in the art as taught by Srinivasan. Srinivasan teaches an automatic call distribution system which comprises the determining the expected holding time that a call must be hold before an agent is available to answered said call (column 4, lines 43-46). Srinivasan further teaches that whether this estimated holding time exceeds a predetermined maximum time (column 4, lines 47-49). It would have been obvious to one of ordinary skill in the art, having the teaching of Jawahar and Srinivasan before

him at the time the invention was made, to modify the system for providing assistance taught by Jawahar to include the estimating time before an agent is available and to check if said estimated time exceeds a predetermined time taught by Srinivasan with the motivation being to avoid the user from waiting too long to get help from an agent (Srinivasan, abstract).

Regarding claim 24, Jawahar teaches the invention substantially as claimed as specified in claim 23 above. Jawahar further teaches the determining whether a customer service representative (agent) is available (column 7, lines 20-24) and sending said web page to said customer with help option on said web page (column 14, lines 47-56). Jawahar does not teach the estimating time before an agent is available and if said estimated time exceeds a predetermined time then delaying said step of sending said HELP option to said customer until said estimated time does not exceed said predetermined time. However, such feature is known in the art as taught by Srinivasan. Srinivasan teaches an automatic call distribution system which comprises the determining the expected holding time that a call must be hold before an agent is available to answered said call (column 4, lines 43-46). Srinivasan further teaches that whether this estimated holding time exceeds a predetermined maximum time (column 4, lines 47-49). It would have been obvious to one of ordinary skill in the art, having the teaching of Jawahar and Srinivasan before him at the time the invention was made, to modify the system for providing assistance taught by Jawahar to include the estimating time before an agent is available and to check if said estimated time exceeds a

predetermined time taught by Srinivasan with the motivation being to avoid the user from waiting too long to get help from an agent (Srinivasan, abstract).

Regarding claim 32, Jawahar teaches a method for providing assistance to a customer at a web site, teaches receiving a request for a web page from a customer (customer retrieves a web page; column 11, lines 15-20). Jawahar further teaches the determining whether a customer service representative (agent) is available (column 7, lines 20-24) and sending said web page to said customer with help option on said web page (column 14, lines 47-56). Jawahar does not teach the estimating time before an agent is available and if said estimated time exceeds a predetermined time then delaying said step of sending said HELP option to said customer until said estimated time does not exceed said predetermined time. However, such feature is known in the art as taught by Srinivasan. Srinivasan teaches an automatic call distribution system which comprises the determining the expected holding time that a call must be hold before an agent is available to answered said call (column 4, lines 43-46). Srinivasan further teaches that whether this estimated holding time exceeds a predetermined maximum time (column 4, lines 47-49). It would have been obvious to one of ordinary skill in the art, having the teaching of Jawahar and Srinivasan before him at the time the invention was made, to modify the system for providing assistance taught by Jawahar to include the estimating time before an agent is available and to check if said estimated time exceeds a predetermined time taught by Srinivasan with the motivation being to avoid the user from waiting too long to get help from an agent (Srinivasan, abstract).

Regarding claim 36, Jawahar further teaches that said HELP option is a HELP button (column 14, lines 47-50).

14. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jawahar in view of Srinivasan, and further in view of Guedalia.

Regarding claim 34, Jawahar in view of Srinivasan teaches the invention substantially as claimed as specified in claim 32 above. Jawahar further teaches the monitoring to see if the user responds the help button (column 15, lines 3-15; Fig. 7B). Jawahar does not explicitly teaches the measuring the time since the help button was sent to the user to see if the user responses to the help button within a predetermined time, but it is inherent in the teaching, since in steps 232, 236, 238, 240 (Fig. 7B), there should be a time set to verify whether the user selects the help button or not to transmit collected data to server and select an agent to provide help (step 238 in Fig. 7B). Jawahar does not teach the sending another web page without help option. However, such feature is known in the art as taught by Guedalia. Guedalia teaches an Internet browsing system which comprises the sending new HTML page by the server computer to the client computer (column 8-12). It would have been obvious to one of ordinary skill in the art, having the teaching of Jawahar and Guedalia before him at the time the invention was made, to modify the method for providing assistance taught by Jawahar to include the sending new page to the user taught by Guedalia so that the user will not be distracted by the help option of the current page.

15. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jawahar in view of Srinivasan, and further in view of Gardner.

Regarding claim 37, Jawahar teaches the invention substantially as claimed as specified in claim 32 above. Jawahar does not teach that the help option is a help screen. However, such feature is known in the art as taught by Gardner. In the same field of providing assistance to a user in a graphical user interface environment, Gardner teaches an on-line interactive, intelligent help system (column 1, lines 7-12); the system comprises the displaying help screen to provide the user with suggestion screens (Fig. 5). It would have been obvious to one of ordinary skill in the art, having the teaching of Jawahar and Gardner before him at the time the invention was made, to modify the method for providing assistance taught by Jawahar to include the displaying help screen taught by Gardner with the motivation being to automatically provide the user with suggestions so that the user will receive help quickly without having to click on the help button (Gardner; column 11, lines 37-41).

16. Claims 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jawahar in view of Srinivasan, and further in view of Ludtke.

Regarding claim 38, Jawahar in view of Srinivasan teaches the invention substantially as claimed as specified in claim 32 above. Jawahar does not teach the help option is an audio message. However, such feature is known in the art as taught by Ludtke. Ludtke teaches an on-line help system for consumer electronic devices (column 1, lines 7-10), the system comprises the coordinating the presentation of help information in an audio message (column 1, lines 55-61). It would have been obvious to one of ordinary skill in the art, having the teaching of Jawahar and Ludtke before him at the time the invention was made, to modify the system for providing assistance taught

by Jawahar to include the presenting help option in an audio message taught in Ludtke with the motivation being to make the system more user-friendly (Ludtke; column 1, lines 46-48).

Regarding claim 39, Jawahar teaches the invention substantially as claimed as specified in claim 32 above. Jawahar does not teach the help option is a video message. However, such feature is known in the art as taught by Ludtke. Ludtke teaches an on-line help system for consumer electronic devices (column 1, lines 7-10), the system comprises the coordinating the presentation of help information in a video message (column 1, lines 55-61). It would have been obvious to one of ordinary skill in the art, having the teaching of Jawahar and Ludtke before him at the time the invention was made, to modify the system for providing assistance taught by Jawahar to include the presenting help option in a video message taught in Ludtke with the motivation being to make the system more user-friendly (Ludtke; column 1, lines 46-48).

Allowable Subject Matter

17. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 16, Jawahar teaches the invention substantially as claimed as specified in claim 1 above. Jawahar further teaches the determining whether a customer service representative (agent) is available (column 7, lines 20-24). Since Jawahar's system initiates to offer help to the user (column 3, lines 7-12) by displaying help button and when the user click on help button, the user will be helped by a customer service

representative (agent; column 14, lines 50-54), it is inherent that the help button will not be displayed when no agent is available since it is against the purpose of Jawahar's invention when a help button is displayed, but no agent is available to help the customer when the customer clicks on said help button. Jawahar does not teach the estimating time before an agent is available and if said estimated time exceeds a predetermined time then delaying said step of sending said HELP option to said customer until said estimated time does not exceed said predetermined time. However, such feature is known in the art as taught by Srinivasan. Srinivasan teaches an automatic call distribution system which comprises the determining the expected holding time that a call must be hold before an agent is available to answered said call (column 4, lines 43-46). Srinivasan further teaches that whether this estimated holding time exceeds a predetermined maximum time (column 4, lines 47-49). It would have been obvious to one of ordinary skill in the art, having the teaching of Jawahar and Srinivasan before him at the time the invention was made, to modify the system for providing assistance taught by Jawahar to include the estimating time before an agent is available and to check if said estimated time exceeds a predetermined time taught by Srinivasan with the motivation being to avoid the user from waiting too long to get help from an agent (Srinivasan, abstract). However, neither Jawahar nor Srinivasan teaches the limitation "wherein said predetermined time is determined based upon measurements of the time between the time that a help option is sent to a previous customer and the time that said previous customer responds to said help option" in specific combination as cited in claim 16. This limitation defines patentably over prior art of record.

18. Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 18, Jawahar in view of Horvitz teaches the invention substantially as claimed as specified in claims 1 and 17 above. However, neither Jawahar nor Horvitz teaches the limitation "wherein said predetermined response time is determined based upon measurements of the time between the time that a help option is sent to a previous customer and the time that said previous customer responds to said help option" in specific combination as cited in claim 18. This limitation defines patentably over prior art of record.

19. Claim 25 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Regarding claim 25, Jawahar teaches the invention substantially as claimed as specified in claim 23 above. Jawahar further teaches the determining whether a customer service representative (agent) is available (column 7, lines 20-24) and sending said web page to said customer with help option on said web page (column 14, lines 47-56). Jawahar does not teach the estimating time before an agent is available and if said estimated time exceeds a predetermined time then delaying said step of sending said HELP option to said customer until said estimated time does not exceed said predetermined time. However, such feature is known in the art as taught by Srinivasan. Srinivasan teaches an automatic call distribution system which comprises

the determining the expected holding time that a call must be hold before an agent is available to answered said call (column 4, lines 43-46). Srinivasan further teaches that whether this estimated holding time exceeds a predetermined maximum time (column 4, lines 47-49). It would have been obvious to one of ordinary skill in the art, having the teaching of Jawahar and Srinivasan before him at the time the invention was made, to modify the system for providing assistance taught by Jawahar to include the estimating time before an agent is available and to check if said estimated time exceeds a predetermined time taught by Srinivasan with the motivation being to avoid the user from waiting too long to get help from an agent (Srinivasan, abstract). However, neither Jawahar nor Srinivasan teaches the limitation "wherein said predetermined time is determined based upon measurements of multiple incidents of time between the time that a help option is sent to a previous customer and the time that said previous customer responds to said help option" in specific combination as cited in claim 25. This limitation defines patentably over prior art of record.

20. Claim 27 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 27, Jawahar teaches the invention substantially as claimed as specified in claim 23 above. Jawahar further teaches the monitoring to see if the user responds the help button (column 15, lines 3-15; Fig. 7B). Jawahar does not explicitly teaches the measuring the time since the help button was sent to the user to see if the user responses to the help button within a predetermined time, but it is inherent in the

teaching, since In steps 232, 236, 238, 240 (Fig. 7B), there should be a time set to verify whether the user selects the help button or not to transmit collected data to server and select an agent to provide help (step 238 in Fig. 7B). Jawahar does not teach the sending another web page without help option. However, such feature is known in the art as taught by Guedalia. Guedalia teaches an Internet browsing system which comprises the sending new HTML page by the server computer to the client computer (column 8-12). It would have been obvious to one of ordinary skill in the art, having the teaching of Jawahar and Guedalia before him at the time the invention was made, to modify the method for providing assistance taught by Jawahar to include the sending new page to the user taught by Guedalia so that the user will not be distracted by the help option of the current page. However, none of Jawahar, Guedalia, or prior art of record teaches the limitation "wherein said predetermined response time is determined based upon measurements of the time between the time that a help option is sent to a previous customer and the time that said previous customer responds to said help option" in specific combination as cited in claim 27. This limitation defines patentably over prior art of record.

21. Claim 33 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims

Regarding claim 33, Jawahar in view of Srinivasan teaches the invention substantially as claimed as specified in claim 32 above. However, neither Jawahar nor Srinivasan teaches the limitation "wherein said predetermined time is determined based

upon measurements of the time between the time that a help option is sent to a previous customer and the time that said previous customer responds to said help option" in specific combination as cited in claim 33. This limitation defines patentably over prior art of record.

22. Claim 35 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims

Regarding claim 35, Jawahar in view of Srinivasan teaches the invention substantially as claimed as specified in claim 32 above. Jawahar further teaches the monitoring to see if the user responds the help button (column 15, lines 3-15; Fig. 7B). Jawahar does not explicitly teaches the measuring the time since the help button was sent to the user to see if the user responses to the help button within a predetermined time, but it is inherent in the teaching, since in steps 232, 236, 238, 240 (Fig. 7B), there should be a time set to verify whether the user selects the help button or not to transmit collected data to server and select an agent to provide help (step 238 in Fig. 7B). Jawahar does not teach the sending another web page without help option. However, such feature is known in the art as taught by Guedalia. Guedalia teaches an Internet browsing system which comprises the sending new HTML page by the server computer to the client computer (column 8-12). It would have been obvious to one of ordinary skill in the art, having the teaching of Jawahar and Guedalia before him at the time the invention was made, to modify the method for providing assistance taught by Jawahar to include the sending new page to the user taught by Guedalia so that the user will not

be distracted by the help option of the current page. However, none of Jawahar, Srinivasan, or Guedalia, teaches the limitation "wherein said predetermined response time is determined based upon measurements of the time between the time that a help option is sent to a previous customer and the time that said previous customer responds to said help option" in specific combination as cited in claim 35. This limitation defines patentably over prior art of record.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu whose telephone number is (703-605-1232). The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703- 308-3116).

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-872-9306

and / or:

(703)-746-5639 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kieu D. Vu

03/11/04

JOHN CABECA
SUPERVISORY PATENT EXAMINE
TECHNOLOGY CENTER 210[illegible]